
REMARKS

Claims 1, 2, 5-7, 10, 13, 15, 18, 21, and 22 are pending in the application upon entry of the amendments and new claims. Claims 1 and 2 have been amended to better describe certain aspects of the invention. Claims 3, 4, 8, 9, 11, 12, 14, 16, 17, 19, and 20 have been canceled without prejudice or disclaimer and to expedite allowance of the application. Claims 21 and 22 have been added to further describe certain aspects of the invention. Favorable reconsideration in light of the amendments, new claims, and the remarks which follow is respectfully requested.

I. Rejection of Claims 1-7 Under 35 U.S.C. §102(b) or §103(a)

Claims 1-7 have been rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over Shiro (JP 07-238417), Shiro '035 (JP 10-266035), or Shiro '917 (JP 10-53917). Shiro relates to a thread- or belt-shaped plastically deformable polyethylene material produced by stretching a polyethylene having an intrinsic viscosity of less than 3.5 dl/g. Shiro '035 relates to a plastically deformable polyethylene material containing a core-shell type stretched polyethylene produced by stretching a polyethylene as a core component and other thermoplastic resin as a shell component. Shiro '917 relates to a plastically deformable monofilament produced by stretching a polyethylene monofilament having an intrinsic viscosity of 1.0-3.5 dl/g.

To establish anticipation, each and every claim feature must be disclosed in a single cited art document. To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the cited art document or documents when combined must teach or suggest all claim features. See MPEP §706.02(j).

The subject invention can provide a fiber for artificial hair that is freely deformable by hands at room temperatures and has an excellent shape-retaining property (See, for example, page 1, lines 26-27 and page 3, lines 10-12 of the specification).

As more detailed description is presented in Examples of the specification,

a filament containing a polyethylene having a specific density exhibits an excellent plastically deformable property such as a restoration angle is not more than 30 degrees after 10 minutes from bending the filament at 90 degrees, as recited in claim 1, or a shape retention is not less than 30% when the filament is wound ten times on a cylindrical collar having a diameter of 10 mm and allowed to stand for 10 minutes, and the filament is removed from the cylindrical collar and allowed to stand for 5 minutes, as recited in claim 2. To this end, independent claims 1 and 2 recite *a plastically deformable filament (A) comprising a high density polyethylene having a density in the range of not less than 0.945 g/cm³ and not more than 0.970 g/cm³.*

The cited art documents fail to disclose, teach, or suggest such features. The cited art documents are silent to a filament containing a polyethylene having a specific density and a filament having a specific restoration angle property or a specific shape-retaining property as recited in claims 1 and 2. This is because the cited art documents teach a polyethylene material that is used for a strapping belt or a net.

Moreover, the cited art documents do not inherently disclose, teach, or suggest such features. It is well established principle that inherency must be a necessary result and not merely a possible result. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) and MPEP §2112 IV. The fact that a characteristic may be present in a cited art document is not sufficient to establish inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). In this case, it is uncertain as to whether the polyethylene materials of the cited art documents have the recited specific density or not because the cited art documents are silent about a density of the polyethylene. Thus, the cited art documents do not expressly or inherently disclose, teach, or suggest the claimed fiber. Accordingly, withdrawal of the rejection is respectfully requested.

II. Conclusion

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

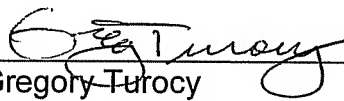
III. Petition for Extension of Time

If necessary, a request for a one month extension of time is hereby made. Payment is being made through the EFS electronic filing system.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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